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*Attorneys for Defendant The Public Institution for Social Security*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Liquidation of Bernard L. Madoff Investment  
Securities LLC,

S.D.N.Y. Case No. \_\_\_\_\_

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 12-01002 (SMB)

Plaintiff,
v.
THE PUBLIC INSTITUTION FOR SOCIAL SECURITY,
Defendant.

**NOTICE OF APPEAL**

**Part 1: Identify the appellant(s)**

1. Name(s) of appellant(s):  
The Public Institution for Social Security
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:  

For appeals in an adversary proceeding.	For appeals in a bankruptcy case and not in an adversary proceeding.
<input type="checkbox"/> Plaintiff	<input type="checkbox"/> Debtor
<input checked="" type="checkbox"/> Defendant	<input type="checkbox"/> Creditor
<input type="checkbox"/> Other (describe) _____	<input type="checkbox"/> Trustee
	<input type="checkbox"/> Other (describe) _____

**Part 2: Identify the subject of this appeal**

1. Describe the judgment, order, or decree appealed from: Order denying Defendant The Public Institution for Social Security's Motion to Dismiss the Complaint under Fed. R. Civ. P. 12(b)(1), 12(b)(2), and 12(b)(6). The Order (Dkt. No. 150) is attached as **Exhibit A**, and the Memorandum Decision (Dkt. No. 149) is attached as **Exhibit B**.
2. State the date on which the judgment, order, or decree was entered: September 1, 2022

**Part 3: Identify the other parties to the appeal**

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

- |  |   |
|--|---|
| 1. Party: Plaintiff-Appellee<br>IRVING H. PICARD, Trustee<br>for the Liquidation of Bernard<br>L. Madoff Investment Securities<br>LLC and the Chapter 7 Estate of<br>Bernard L. Madoff | Attorneys: David J. Sheehan<br>Brian W. Song<br>Ganesh Krishna<br>Ariana Dindiyal<br>BAKER HOSTETLER LLP<br>45 Rockefeller Plaza<br>New York, New York 10111<br>Tel.: (212) 589-4200<br>Fax: (212) 589-4201<br>dsheehan@bakerlaw.com<br>bsong@bakerlaw.com<br>gkrishna@bakerlaw.com<br>adindiyal@bakerlaw.com |
|--|---|
  
- |  |  |
|--|--|
| 2. Party: Defendant-Appellant<br>THE PUBLIC INSTITUTION<br>FOR SOCIAL SECURITY | Attorneys: Leo Muchnik<br>GREENBERG TRAURIG, LLP<br>One Vanderbilt Avenue<br>New York, New York 10017<br>Tel.: (212) 801-9200<br>Fax: (212) 801-6400<br>muchnikl@gtlaw.com<br><br>Joseph P. Davis III<br><i>(pro hac vice)</i><br>Alison T. Holdway<br><i>(pro hac vice)</i><br>GREENBERG TRAURIG, LLP<br>One International Place<br>Suite 2000<br>Boston, Massachusetts 02110<br>Tel.: (617) 310-6000<br>Fax: (617) 310-6001<br>davisjo@gtlaw.com<br>alison.holdway@gtlaw.com |
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**Part 4: Optional election to have appeal heard by district court (applicable only in certain districts)**

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

[Not applicable—No Bankruptcy Appellate Panel in this District.]

- ☐ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

**Part 5: Sign below**

/s/ Leo Muchnik

Dated: October 6, 2022

Signature of attorney for appellant

Name, address, and telephone number of attorney:

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Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

**[Note to inmate filers:** If you are an inmate filer in an institution and you seek the timing benefit of Fed. R. Bankr. P. 8002(c)(1), complete Director's Form 4170 (Declaration of Inmate Filing) and file that declaration along with the Notice of Appeal.]